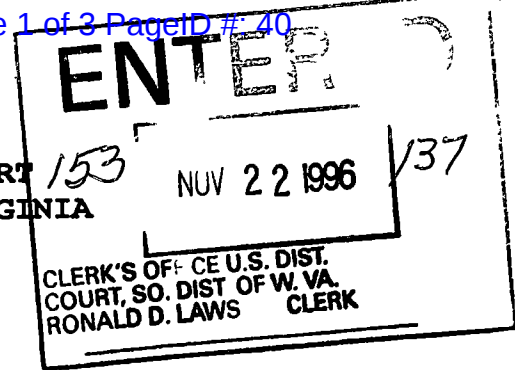


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY



FREDERICK SHAWNEE CARTER,

Plaintiff,

v.

CIVIL ACTION NO. 5:96-0436

LEE JONES,

Defendant.

TIME FRAME ORDER

It is hereby ORDERED that the parties shall conform to the following deadlines:

1. **Discovery.** All discovery shall be completed by **February 13, 1997.**

2. **Pretrial Narrative Statement by Plaintiff.** On or before **March 13, 1997**, Plaintiff shall submit a Pretrial Narrative Statement which shall state the following:

a. Brief statement of the case, including the manner by which each Defendant allegedly violated Plaintiff's constitutional rights, and the facts that will be offered in evidence at trial;

b. List of all exhibits to be offered in evidence at trial; and

c. List of all witnesses to be called by Plaintiff at trial, with a brief summary of each witness' testimony.

Plaintiff shall serve opposing counsel with a copy of the Pretrial

Narrative Statement.

NOTICE TO PLAINTIFF: FAILURE TO FILE A PRETRIAL NARRATIVE STATEMENT WHEN IT IS DUE WILL DEMONSTRATE THAT PLAINTIFF DOES NOT WISH TO PROSECUTE THIS CIVIL ACTION, AND IT WILL BE DISMISSED WITH PREJUDICE FOR FAILURE TO PROSECUTE.

3. Pretrial Narrative Statement by Defendant(s). Two weeks after receipt of Plaintiff's Pretrial Narrative Statement, Defendant(s) shall each submit a Pretrial Narrative Statement which shall state the following:

a. Brief statement of the case and the facts that will be offered in evidence at trial to rebut Plaintiff's allegations;

b. List of all exhibits to be offered in evidence at trial; and

c. List of all witnesses to be called by Defendant(s) at trial, with a brief summary of each witness' testimony.

Defendant(s) shall serve Plaintiff with a copy of the Pretrial Narrative Statement.


NOTE: NO PARTY SHALL FILE A RULE 56 MOTION FOR SUMMARY JUDGMENT UNLESS AND UNTIL PRETRIAL NARRATIVE STATEMENTS HAVE BEEN FILED.

4. Dispositive Motions. Motions for Summary Judgment (Rule 56) shall be filed one month after the filing of Defendant(s)' Pretrial Narrative Statement. Pursuant to the holding of Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), PLAINTIFF IS WARNED THAT IF THE DEFENSE FILES A MOTION FOR SUMMARY JUDGMENT SUPPORTED BY ONE OR MORE AFFIDAVITS OR OTHER MATERIALS, PLAINTIFF HAS THE RIGHT AND

A REASONABLE OPPORTUNITY OF ONE MONTH TO FILE COUNTER-AFFIDAVITS OR OTHER APPROPRIATE MATERIALS. FAILURE TO RESPOND AND TO FILE AFFIDAVITS OR OTHER MATERIALS MIGHT RESULT IN ENTRY OF SUMMARY JUDGMENT AGAINST PLAINTIFF (PLAINTIFF WOULD LOSE THE CASE). Responses to dispositive motions shall be filed one month after service of the dispositive motion. Replies to dispositive motions shall be filed two weeks after service of the response.

The Clerk is directed to mail copies of this Time Frame Order to counsel of record by regular mail and to Plaintiff by certified mail, return receipt requested.

ENTER: November 22, 1996

  
Mary Stanley Feinberg  
United States Magistrate Judge